



STATE OF HAWAII  
DEPARTMENT OF ACCOUNTING  
AND GENERAL SERVICES

P.O. BOX 119  
HONOLULU, HAWAII 96810-0119

MARY PATRICIA WATERHOUSE  
DEPUTY COMPTROLLER

July 15, 1999

COMPTROLLER'S MEMORANDUM NO. 1999-24

TO: All State Executive Departments  
All County Mayors  
All Chief Procurement Officers  
Hawaii Health System Corporation, Executive Director

FROM: *Raymond H. Sato*  
Raymond H. Sato, State Comptroller

SUBJECT: Amendment to Publication of State and County Government Public Notices

This memorandum amends Comptroller's Memorandum 1999-06 and is issued to provide an update on the revisions to the law.

As previously detailed in my memorandum 1999-06, Act 2, Session Laws of Hawaii 1998, now Section 1-28.5, Hawaii Revised Statutes (HRS), enacted a new scheme of providing statewide and countywide public notice of government agency actions and activities.

Effective June 28, 1999, Section 1-28.5, HRS, was amended by Act 160 (SB 646), which provides in part (amendment underscored):

- (a) Notwithstanding any other statute, law, charter provision, ordinance, or rule to the contrary, whenever a government agency is required to give public notice or to publish notice, the notice shall be given only as follows:
- (1) For statewide publication:
- (A) In a daily or weekly publication of statewide circulation; or  
(B) By publication in separate daily or weekly publications whose combined circulation is statewide;  
and
- (2) For county-wide publication, by publication in a daily or weekly publication in the affected county.

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Section 1-28.5, HRS, as amended, supercedes any conflicting government agency's law, statute, charter, rule or ordinance. A copy of Section 22 of Act 162 is attached for your information. The RFD Publications contract shall be utilized by all State and County agencies for all public notices, excluding procurement notices.

Since procurement notices under Chapters 103D and 103F, HRS, are exempt from this contract, the State Procurement Office will issue a separate price list for procurement notices at a later date.

#### **CONTACT PERSONS AT RFD**

The new contact persons at RFD are Mrs. Lavonne Cuaresma, telephone (808) 235-5881 x348 and Ms. Celeste Ahana, telephone (808) 235-5881 x386 or fax (808) 235-9498.

***Note: Please make every effort to resolve your issues with RFD before contacting the State Procurement Office.***

#### **CONTRACT ADMINISTRATOR**

The contract administrator is Mrs. Fran Villarmia-Kahawai of the State Procurement Office, telephone (808) 586-0563, fax (808) 586-0570 or e-mail at [fran\\_villarmia-kahawai@state.hi.us](mailto:fran_villarmia-kahawai@state.hi.us). Alternate is Mrs. Ruth Yamaguchi, same office, telephone (808) 586-0567, same fax, or e-mail at [ruth\\_yamaguchi@state.hi.us](mailto:ruth_yamaguchi@state.hi.us).

Attachment

c: RFD Publications, Inc.

- 1 (1) The application of the lessee;
- 2 (2) Consent of each holder of record having a security
- 3 interest in the leasehold; and
- 4 (3) A finding by the board that the alternative use or uses
- 5 are in the public interest.

## PART VII

7 SECTION 22. Section 1-28.5, Hawaii Revised Statutes, is  
8 amended to read as follows:

- 9 "[]§1-28.5[] **Publication of notice.** (a) [Whenever]  
10 Notwithstanding any other statute, law, charter provision,  
11 ordinance, or rule to the contrary, whenever a government agency  
12 is required to give public notice or to publish notice, the  
13 notice shall be given [by advertisement] only as follows:
- 14 (1) For statewide publication:
    - 15 (A) In a daily or weekly publication of statewide
    - 16 circulation; or
    - 17 (B) By publication in separate daily or weekly
    - 18 publications whose combined circulation is
    - 19 statewide[.];
  - 20 and
  - 21 (2) For county-wide publication, by publication in a daily
  - 22 or weekly publication in the affected county.
- 23 Additional supplemental notice may also be given through Hawaii

1 FYI, the State's interactive computer system.

2 (b) For purposes of this section, the comptroller pursuant  
3 to chapter 103D shall determine a [consistent] publication  
4 [procedure] for all government agencies to enable the public to  
5 go to one source of publication for published public notice on  
6 each island.

7 (c) Whenever a public notice is published in a newspaper or  
8 other publication described in subsection (a), proof of the  
9 publication shall be the affidavit of the printer, publisher,  
10 principal clerk, or business manager of the newspaper or other  
11 publication or of the designated agent of the group that  
12 published the notice.

13 (d) This section shall not apply to notices required by  
14 chapters 103D and 103F.

15 (e) For purposes of this section, "government agency" means  
16 each department, board, commission, or officer of the State or  
17 any of its political subdivisions."

18 PART VIII

19 SECTION 23. Section 36-21, Hawaii Revised Statutes, is  
20 amended to read as follows:

21 "**§36-21 Short-term investment of state moneys.** The  
22 director of finance may invest any moneys of the State which in  
23 the director's judgment are in excess of the amounts necessary